

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

JANE DOE
c/o Rismiller Law Group, LLC
51 Monroe Place, Suite 1406
Rockville, Maryland 20850

Plaintiff

v.

ERNESTO CESAR TORRES
7607 San Di Gan Drive
Frederick, MD 21702

Defendant

Civil Case No. C-10-CV-20-000020

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Jane Doe¹ (“Ms. Doe” or “Plaintiff”), by and through her attorneys Mary Craine Lombardo and the Rismiller Law Group, LLC, hereby sues Defendant Ernesto Cesar Torres (“Dr. Torres” or “Defendant”).

INTRODUCTION

Dr. Torres is a pediatrician. Dr. Torres first saw Jane Doe as a patient when she was one-week old. Jane Doe continued to see Dr. Torres as a teenager. Home from college, Ms. Doe had a late-day appointment with Dr. Torres. Dr. Torres waited until it appeared that the staff of his office had left and then sexually assaulted Ms. Doe. Dr. Torres has been criminally prosecuted and convicted for his heinous actions and his license to practice medicine revoked. Jane Doe has suffered substantial and lasting consequences of the sexual assault and brings this action to hold Dr. Torres responsible for the damage he has caused through his despicable and predatory actions.

¹ Plaintiff is proceeding under a pseudonym as she was the teenage victim of a sexual assault.

PARTIES & JURISDICTION

1. At all times relevant to this action, Plaintiff was a resident of Frederick County, Maryland.
2. Upon information and belief, Defendant Torres is, and was at all times relevant hereto, a resident of Frederick County, Maryland.
3. This Court has subject matter jurisdiction pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501.
4. This Court has personal jurisdiction over Defendant pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 6-102 and 6-103.
5. Venue is appropriate in this Court pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 6-201 and 6-202.

STATEMENT OF FACTS

6. Dr. Torres conducted his practice as Ernesto C. Torres, M.D. Pediatric and Adolescent Medicine.
7. Dr. Torres first saw Jane Doe as a patient when she was one-week old. Jane Doe continued to see Dr. Torres as a teenager.
8. At every appointment throughout her childhood and adolescence, Jane Doe's mother would accompany her to the appointment.
9. Home from college, Jane Doe had a follow-up appointment scheduled with Dr. Torres at the end of the day. Her mother was not able to accompany her.
10. Dr. Torres waited until it appeared that the staff of his office had left for the day and then sexually assaulted Jane Doe.

11. Dr. Torres confessed his actions to an investigating police officer.

12. Dr. Torres was convicted for his crimes. He was found guilty of 2nd degree assault and 4th degree sexual offense and has been sentenced to one year in the Frederick County Detention Center.

13. Jane Doe has suffered substantial and lasting consequences of the sexual assault.

COUNT I
(Battery)

Plaintiff adopts and incorporates the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein, and further alleges that:

14. Dr. Torres intended to unlawfully touch Plaintiff and to assault and/or sexually assault her as described above.

15. Dr. Torres's conduct, including touching her body, and digitally penetrating Jane Doe constituted an intentional, offensive, non-consensual touching, of Plaintiff.

16. Dr. Torres's acts against Jane Doe were undertaken deliberately and with actual malice.

17. Dr. Torres offended Jane Doe's reasonable sense of personal dignity.

18. As a direct, sole, and proximate result of Dr. Torres's harmful and offensive conduct, Jane Doe has suffered, and will in the future continue to suffer, substantial damages, including extreme, serious and permanent mental anguish and suffering; severe humiliation; and, mental distress.

19. Additionally, Jane Doe has incurred, and will in the future incur, medical expenses and other related damages due to the conduct of Dr. Torres.

WHEREFORE, Plaintiff Jane Doe demands judgment against Defendant, Ernesto Cesar Torres for compensatory damages in an amount to be determined in discovery, but in excess of \$75,000, and for punitive damages plus the costs of this action and such other and further relief as this Court deems appropriate.

COUNT II
(Intentional Infliction of Emotional Distress)

Plaintiff adopts and incorporates the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein, and further alleges that:

20. Dr. Torres's conduct, as more particularly described herein, was intentional, reckless and in deliberate disregard of a high degree of probability that emotional distress would result to Jane Doe.

21. Dr. Torres's conduct was extreme and outrageous and beyond the bounds of decency in society.

22. Dr. Torres's conduct was malicious and willful.

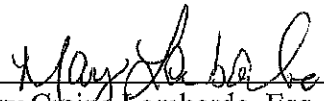
23. As a direct, sole, and proximate result of Dr. Torres's conduct, Jane Doe has suffered, and will in the future continue to suffer, severe and extreme emotional distress and substantial damages, including mental anguish and suffering; humiliation; and, other mental distress.

24. Additionally, Jane Doe has incurred, will in the future incur, medical expenses, and other related damages due to the conduct of Dr. Torres.

WHEREFORE, Plaintiff Jane Doe demands judgment against Defendant, Ernesto Cesar Torres, for compensatory damages in an amount to be determined in discovery, but in excess of \$75,000, and for punitive damages plus the costs of this action and such other and further relief as this Court deems appropriate.

Respectfully submitted,

RISMILLER LAW GROUP, LLC

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